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C O N F I D E N T I A L SECTION 01 OF 02 BANGKOK 002370

SIPDIS

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TAGS: [PGOV](#) [PHUM](#) [TH](#) [SNAP](#)

SUBJECT: THAILAND: ELECTION RERUN LEAVES PARLIAMENT'S  
OPENING STILL IN QUESTION

REF: BANGKOK 2336 AND PREVIOUS

Classified By: POLITICAL COUNSELOR SUSAN M. SUTTON: REASON 1.4 (D)

1. (U) Summary: The April 23rd rerun votes for the lower house, held in 40 unresolved constituencies, has left the question of how and when to seat the Parliament still hanging in the air. Lower numbers of voter turnout compared to the April 2 general election seem to be driven by increased voter lethargy. But for some of those who did show up to vote, they chose to tear up their ballots in face of possible arrest. At least 13 MP seats may not be filled as those TRT candidates who ran alone in their constituency failed to meet the 20% required minimum. The Election Commission (EC) is meeting this evening to decide whether they would proceed to continue with another round of by-elections on April 30, or to pass the hot potato -- how to convene the Parliament -- to the Constitutional Court. End summary.

BY-ELECTIONS: BOREDOM, CIVIL DISOBEDIENCE...AND MORE LAWSUITS?

-- BOREDOM

2. (U) Amidst poor voter attendance in many voting districts, the April 23 rerun polls for 40 unresolved seats has apparently fallen short. The elections were for seats where no candidates had been able to garner more than 20 percent of the votes in single party polls in the earlier general elections (and one where the single candidate was later disqualified). Though no official results were issued by April 24 morning, preliminary informal readings suggest that TRT single candidates in at least 13 constituencies failed to accrue the required 20% of total eligible votes.

3. (C) Embassy officers monitoring the re-run polls in several districts in southern Thailand and near Bangkok noted lower levels of voter turnout relative to the April 2 general elections. Election officials at some of the sites told poloffs that they and the voters were undergoing their third (including the April 19 Senate elections) round of polls this month. The voters in their districts are getting fatigued they said. At a meeting with poloffs at his home in Songkhla, TRT candidate Attachan Chaowanich claimed that many businesspersons and workers, tired of the disruptions caused by the many polls, would now vote for him, just to get the elections over. (Note: Attachan had to garner roughly three times the numbers he got on April 2 to attain the needed 20 percent -- a formidable task. End note).

4. (C) Five-time Songkhla Democrat Party MP Nipon Bunyamani told poloff at lunch on April 23 that he expected that virtually none of the single TRT candidates in the southern contests would get 20 percent of the eligible vote. This might mean more reruns at month's end as the TRT government tries desperately to seat a Parliament as mandated by May 2, but it is difficult to imagine any way elections next week would manage to produce any further successful candidates. With no end in sight and a political deadlock on the horizon, Nipon said that he wants his party to propose the invocation of Palace intervention under Article 7 of the Constitution.

-- CIVIL DISOBEDIENCE

5. (SBU) The EC is faced with a number of challenges from yesterday's by-elections. A small number of constituencies in the South (4 in Songkhla and 5 polling stations in a district in Nakhon Si Thammarat) were unable to hold elections because their respective election officials failed to show up, due to either safety considerations or dissatisfaction with their stipend. This is in addition to the races where the single candidate did not get the required 20 percent.

6. (SBU) For those who did show up, many ticked the "no vote" vote as they did so previously on April 2. Still others reportedly showed up only to take their ballot home with them without casting any votes. Meanwhile, 18 voters in the southern provinces chose to tear up their ballots as an act of defiance against the TRT, the EC, and the by-elections. They said that "this is not democracy" and that "voting the 'no vote' would be meaningless." A reported eleven people were arrested for this.

-- ...AND VIOLENCE

17. (U) Added to the mix were several reports suspected election-related violence in the South. A small bomb exploded in the bathroom near one of the polling stations, causing no injuries, in Narathiwat Province. Another drive-by shooting was reported in the same province that killed one man and injured two women.

-- MORE LAWSUITS?

18. (C) The EC will be meeting to decide whether a third round of elections will be held on April 30. If they decide that the new by-elections will not yield additional winners to seat the Parliament, they may decide to scrap the April 30 by-election and submit official results (without all 500 seats filled). According to the latest report, the Acting Parliament President is the official who would then appeal to the Constitutional Court to rule on whether the House can convene with less than 500 members. (Comment: The EC's official obligation ends on May 1, one day after the possible new April 30 by-elections. The EC just certifies the election results, it does not decide how to deal with the problems that follow. End Comment.)

THE PAD STONED

19. (U) Meanwhile, the People's Alliance for Democracy (PAD) is trying to make headway outside of Bangkok; their attempt to hold a seminar in the heart of Thaksin country led to a confrontation. An angry mob of 200-400 pro-Thaksin demonstrators attacked two key leaders of the PAD as well as other seminar participants at an anti-Thaksin forum in the Northeast. The PAD leaders were met with flying shoes, water bottles and stones and were forced to end their meeting early, according to news reports. The PAD charged that two local TRT MPs instigated the mob.

COMMENT

10. (C) We have gotten to the point we expected to reach. The EC appears certain to come up more than a dozen MPs short of the full 500. Many academics are claiming that the Parliament cannot open, but the constitutional basis for their claim is not unassailable, and the government seems convinced that it will find a way to move on, open the Parliament (consisting almost entirely of TRT members), and choose a new government. If this happens, PAD is likely to return to the streets with anti-TRT protests. The elections have not solved the underlying problem that caused the protests; in fact, they have provided further examples of the way that TRT's dominance has undermined independent institutions like the Electoral Commission. End comment.  
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